



## **Department of Business Regulation**

### ***Banking Division***

**1511 Pontiac Avenue, Bldg. 69-2**

**Cranston, Rhode Island 02920**

# **Banking Bulletin 2018-3**

## **Mortgage Foreclosure Forms**

The forms on the following pages are required by R.I. Gen. Laws Chapter 34-27 and are designated for use in compliance with regulation 230-RICR-40-10-4 – Mortgage Foreclosure Disclosure.

**FORM 34-27-7**

[Mailing Date]

[Occupant Name or if unknown "Occupant"]

[Street Address]

[City, State, Zip Code]

<b>NOTICE OF PENDING FORECLOSURE</b>
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This Notice is provided to you to inform you of the intent to foreclose on property address listed above. The holder of the mortgage on the property address listed above hereby notifies you that the above referenced property is currently scheduled to be sold at foreclosure.

**TENANTS ARE HEREBY NOTIFIED OF THE FOLLOWING**

1. The property listed above is scheduled to be sold at foreclosure;
2. The foreclosure sale is scheduled for (insert date time and place initially scheduled for the sale);
3. **Housing counseling services are available to you at no cost.** Counseling services that can help you understand your options and provide resources and referrals are available from counseling agencies approved by the United States Department of Housing and Urban Development (HUD). You can locate a HUD-approved counseling agency by calling HUD's toll-free telephone number, 1-800-569-4287, or by accessing HUD's Internet homepage at [www.hud.gov](http://www.hud.gov). The TDD number is 1-800-877-8339. Counseling services are available free of charge through HUD's Housing Counseling Program.
4. Rhode Island Legal Services (RILS) may be able to provide assistance. RILS may be reached at (401) 274 2652 or [rils.org](http://rils.org) and is located at 56 Pine Street, 4<sup>th</sup> Floor, Providence, Rhode Island 02903.
5. United Way 2-1-1 in Rhode Island is an information and referral line available 24 hours a day, 7 days a week, in 175 languages and dialects. This free and confidential services connects people resources offered by health and human service providers, government agencies and community-based organizations. Dial 211 on your telephone or visit [www.211RI.org](http://www.211RI.org). United Way of Rhode Island is located a 50 Valley Street, Providence, Rhode Island 02909.
6. This notice does not eliminate your obligation to pay rent. **You must continue to pay rent to the landlord until the foreclosure sale occurs.**

<p align="center"><b>NOTICE OF MEDIATION CONFERENCE PURSUANT TO R.I. GEN. LAWS § 34-27-3.2</b></p>
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**THIS IS NOT AN EVICTION NOTICE.**

This Notice is provided to you to inform you of the protections provided by R.I. Gen. Laws § 34-27-3.2 of The Rhode Island Mortgage Foreclosure and Sale Act.

**TO ASSIST YOU IN AVOIDING FORECLOSURE, YOU HAVE THE RIGHT TO A FREE, IN-PERSON OR TELEPHONE MEDIATION CONFERENCE WITH AN INDEPENDENT MEDIATION COORDINATOR. THE MORTGAGEE MAY NOT FORECLOSE UNLESS IT PROVIDES YOU THE OPPORTUNITY TO PARTICIPATE IN THE MEDIATION CONFERENCE, WHICH MUST BE SCHEDULED WITHIN SIXTY (60) DAYS OF THE RECEIPT OF A COMPLETED APPENDIX B, SINGLE POINT OF CONTACT INFORMATION FOR THE MORTGAGEE, AND PAYMENT INITIATING THE MEDIATION PROCESS HAS BEEN RECEIVED BY THE MEDIATION COORDINATOR. YOU WILL BE CONTACTED BY A FORECLOSURE MEDIATION COORDINATOR TO SCHEDULE THAT MEDIATION CONFERENCE.**

**Name of Mortgagor:**

**Mortgage Loan Number:**

**Address of Residential Real Estate:**

Date of Default

Date of release of loan from automatic stay in bankruptcy proceeding if applicable or NA

Date of release of loan from protections of the Servicemembers Civil Relief Act, 50 U.S.C. App. §501 et seq., or R.I. Gen. Laws §34-27-4(d), if applicable or NA

The mortgagee named below ("Mortgagee") hereby notifies you that you are in Default on your mortgage. If you fail to remedy this Default, Mortgagee has the right to foreclose on the real estate securing the mortgage loan referenced in this Notice.

**Mortgagee:**

**Mortgagee Address:**

Street:

City, State, Zip Code:

**Mortgagee Authorized Representative:**

Date mailed:

**Contact Information for Mortgagee Authorized Representative:**

Telephone:

Email:

(Provide toll free number if available)

cc: **Mediation Coordinator:**

**FORMULARIO 34-27-3.2****NOTIFICACIÓN DE REUNIÓN DE MEDIACIÓN SEGÚN  
EL § 34-27-3.2 DE LAS LEYES GENERALES DE RHODE ISLAND (R. I.)****ESTO NO ES UN AVISO DE DESALOJO**

Esta notificación se le proporciona para informarle sobre la protección que proveen las Leyes Generales de R. I. en el § 34-27-3.2 de la Mortgage Foreclosure and Sale Act (Ley de Ejecuciones Hipotecarias y Ventas) del estado de Rhode Island.

**PARA AYUDARLO A EVITAR LA EJECUCIÓN HIPOTECARIA, USTED TIENE DERECHO A UNA REUNIÓN DE MEDIACIÓN GRATUITA CON UN COORDINADOR DE MEDIACIÓN INDEPENDIENTE. DICHA REUNIÓN SE PODRÁ EFECTUAR PERSONALMENTE O POR TELÉFONO. EL ACREEDOR HIPOTECARIO NO PODRÁ EJECUTAR LA HIPOTECA SIN HABERLE PROPORCIONADO LA OPORTUNIDAD DE PARTICIPAR EN LA REUNIÓN DE MEDIACIÓN, LA CUAL DEBE ESTAR PROGRAMADA DENTRO DE LOS SESENTA (60) DÍAS DE RECIBIR EL APENDICE B COMPLETO, PUNTO DE CONTACTO ÚNICO DEL ACREEDOR HIPOTECARIO, Y EL PAGO PARA EL INICIO DEL PROCESO DE MEDIACIÓN. USTED SERÁ CONTACTADO POR UN COORDINADOR DE MEDIACIÓN DE EJECUCIONES HIPOTECARIAS PARA PROGRAMAR LA CONFERENCIA DE MEDIACIÓN.**

Nombre del cliente:

Ref.:

Escriba la Dirección de la Propiedad Residencial:

Fecha de Defecto:

Fecha de liberación de préstamo de la suspensión, automática en un procedimiento de quiebra, si es aplicable: o no aplicable.

Fecha de liberación de la hipoteca de la protección de la ley general Servicemembers Civil Relief Act, 50 U.S.C. App. §501 et seq., or R.I. Gen. Laws §34-27-4(d), si corresponde: o no aplicable.

Por la presente, el acreedor hipotecario nombrado a continuación ("Acreedor hipotecario") lo notifica que usted está en mora en los pagos de su hipoteca. Si no soluciona esta mora, el Acreedor hipotecario tiene derecho a ejecutar la hipoteca de la propiedad que garantiza el préstamo hipotecario citado en la referencia de esta notificación.

**Acreedor hipotecario**

**Dirección del Acreedor hipotecario:**

Calle:

Ciudad, estado y código postal:

**Representante autorizado del Acreedor hipotecario:**

Fecha de envío postal:

**Información de contacto del representante autorizado del Acreedor hipotecario:**

Teléfono:

(Si hay un número de teléfono gratuito disponible, indíquelo)

Dirección de correo electrónico:

cc: **Coordinador de Mediación:**

**FORMULÁRIO 34-27-3.2****NOTIFICAÇÃO DE CONFERÊNCIA DE MEDIAÇÃO CONFORME LEIS  
R.I. GEN. § 34-27-3.2****ISTO NÃO É UM AVISO DE DESPEJO**

Esta Notificação destina-se a informar-lhe as proteções fornecidas pelas leis R.I. Gen. § 34-27-3.2 de Execução Hipotecária e a Lei de Venda de Valores Imobiliários de Rhode Island.

**PARA AJUDAR-ILE A EVITAR O EMBARGO (FORECLOSURE) DA SUA CASA, INFORMAMOS-IHE QUE TEM O DIREITO A UMA CONFERÊNCIA DE MEDIAÇÃO, GRATUITA SEJA VIA TELEFÔNICA SEJA PESSOALMENTE COM UM COORDENADOR INDEPENDENTE DE MEDIAÇÃO. O CREDOR HIPOTECARIO NÃO PODE EMBARGAR ATÉ DAR-LHE A OPORTUNIDADE DE PARTICIPAR NESTA CONFERENCIA A QUAL SERÁ MARCADA NO PERIODO DE SESSENTA (60) DIAS DESDE OU AO RECEBERMOS O "APPENDIX B" PREENCHIDO E ASSINALANDO O PEDIDO DE INFORMAÇÃO DE UM CONTACTO PARA O CREDOR, OU O PAGO INICIAL REQUERIDO SEJA RECEBIDO PELO MEDIADOR UM COORDENADOR IRÁ CONTACTAR-LHE PARA MARCAR A DATA DESTA MEDIAÇÃO.**

Nome do cliente:

Re:

Endereço de Imóveis Residenciais:

Data de delinquência:

Data em que o empréstimo foi liberado da suspensão automática de falência, se aplicável: ou não aplicável.

Data da exoneração da hipoteca da proteção conferida pela lei dos Estados Unidos da America e do Estado de Rhode Island (Servicemembers Civil Relief Act, 50 U.S.C. App §501 et seq. or R.I. Gen. Laws §34-27-4(d)), se aplicável: ou não aplicável.

O Crédito Imobiliário denominada abaixo ("Créditos Imobiliários") por este instrumento notifica -se que está inadimplente em sua hipoteca. Se você falhar em corrigir tal inadimplência, Créditos Imobiliários têm o direito de executar o empréstimo de hipoteca consistente dos bens imóveis relacionados nesta notificação.

**Créditos Imobiliários:****Endereço de Créditos Imobiliários:**

Rua:

Cidade, Estado, CEP:

**Representante Autorizado de Créditos Imobiliários:**

Data de envio:

**Informações de Contato para Representante Autorizado de Créditos Imobiliários:**

Telefone: E-mail:

(Forneça um número gratuito, se disponível)

cc: **Coordenador de Mediação:**

**CERTIFICATE OF COMPLIANCE WITH MEDIATION REQUIREMENT**  
**PURSUANT TO R.I. GEN. LAWS § 34-27-3.2**

I, \_\_\_\_\_, of \_\_\_\_\_,  
(Name of Mediation Coordinator) (Name of Agency)  
certify as follows:

1. \_\_\_\_\_ is the holder of the mortgage given by \_\_\_\_\_  
(Name of Mortgagee) (Name of Mortgagor)  
located at \_\_\_\_\_ (the "Mortgage")  
(Address)
2. \_\_\_\_\_ was properly served with the Notice of Mediation Conference  
(Mortgagor)  
pursuant to R.I. Gen. Laws § 34-27-3.2.
3. \_\_\_\_\_ served as the Mediation Coordinator defined in R.I. Gen. Laws § 34-  
(Agency)  
27-3.2 and Department of Business Regulation Banking Regulation 5 regarding the  
Mortgagee's potential foreclosure proceedings.
4. \_\_\_\_\_ has paid all fees and penalties required under R.I. Gen. Laws § 34-  
(Mortgagee)  
27-3.2 subsections (d)(1) and (f).
5. For the reasons set forth below, the Mortgagee is authorized to proceed with the  
foreclosure action, including recording of the foreclosure deed [check one box  
below]:
  - ☐ After two attempts by the Agency to contact the Mortgagor, the  
Mortgagor failed to respond to the request of the Agency to appear for  
the Mediation Conference or otherwise participate in the Mediation  
Conference.
  - ☐ The Mortgagor failed to comply with the requirements of R.I. Gen.  
Laws § 34-27-3.2.
  - ☐ The parties have been unable to reach an agreement to renegotiate  
the loan in order to avoid a foreclosure through the Mediation  
Conference, despite the Mortgagee's good faith efforts as noted on  
Attachment 1.
6. I am authorized by the Agency to issue this Certificate.

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

## **ATTACHMENT 1**

### **Good Faith Determination**

The Mortgagee, or its authorized representative, has made a good faith effort to reach agreement with the Mortgagor to renegotiate the terms of the Mortgage in an effort to avoid foreclosure. The Mortgagee's good faith is evidenced by the following factors [check all applicable boxes]:

- ☐ Mortgagee provided the Notice of Mediation Conference to the Mortgagor as required by R.I. Gen. Laws § 34-27-3.2.
- ☐ Mortgagee designated an agent authorized to participate in the Mediation Conference on its behalf, and with authority to agree to a Workout Agreement on behalf of Mortgagee.
- ☐ Mortgagee made reasonable efforts to respond in a timely manner to requests for information from the Mediation Coordinator, Mortgagor, or counselor assisting the Mortgagor.
- ☐ Mortgagee analyzed and responded to the Workout Agreement submitted by the Mortgagor and/or Mediation Coordinator within fourteen days of the Workout Agreement.
- ☐ If the Mortgagee declines to accept the Mortgagor's Workout Agreement, the Mortgagee provided written, detailed statement of its reasons for rejecting the proposal within fourteen (14) days.
- ☐ If the Mortgagee declines to accept the Mortgagor's Workout Agreement, the Mortgagee offered, in writing within fourteen (14) days, to enter into an alternative work-out/disposition resolution proposal that would result in a material net financial benefit to the Mortgagor as compared to the terms of the Mortgage.
- ☐ Other facts demonstrating Mortgagee's good-faith [please specify]:

**Affidavit of Exemption From Compliance With R.I. Gen. Laws § 34-27-3.2**

I, \_\_\_\_\_ of \_\_\_\_\_, hereby  
affirm under oath that:

1. I have personal knowledge of the matters referred to herein.
2. \_\_\_\_\_ is the Mortgagee, as defined in R.I. Gen. Laws § 34-27-3.2(c)(8) recorded in the Land Evidence Records in Book \_\_\_\_\_ at Page \_\_\_\_\_, and located at \_\_\_\_\_ (the "Mortgage").
3. The Mortgage is exempt from the requirement to participate in a foreclosure mediation conference as set forth in R.I. Gen. Laws § 34-27-3.2 for the following reason:
  - A. \_\_\_\_\_ is Headquartered at \_\_\_\_\_ or maintains a physical office or offices exclusively in Rhode Island from which it carries out full-service mortgage operations including the acceptance and processing of mortgage payments and the provision of local customer service and loss mitigation and where Rhode Island staff have the authority to approve loan restructuring and other loss mitigation strategies. ☐
  - B. the Mortgagor was more than one hundred twenty days delinquent on or before September 12, 2013 ☐
  - A. the Mortgage is a reverse mortgage. ☐
  - B. the Mortgage is not a first lien. ☐
  - E. the Mortgagor failed to fulfill his or her obligations under an Eligible Workout Agreement within twelve months of receiving a Certificate of Eligible Workout Agreement ☐
4. For the reasons set forth above, \_\_\_\_\_ is deemed to be in compliance with the requirements of R.I. Gen. Laws § 34-27-3.2(l).

\_\_\_\_\_  
Name and Title of Authorized Representative of  
Mortgagee

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Printed Name:

My Commission Expires: \_\_\_\_\_